

SCOTTSDALE

# CITY COUNCIL MEETING



**\*\*\*AMENDED\*\*\* AGENDA (ADDED: SPECIAL MEETING MINUTES; EXECUTIVE  
SESSION MINUTES; AND CONSENT AGENDA  
ITEMS 17A AND 17B)**

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**COUNCIL**

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, June 22, 2004

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**5:00 P.M.**

**CITY COUNCIL MEETING**

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

**Roll Call**

**Pledge of Allegiance**

**Invocation**

**Presentations/Information Updates**

**Public Comment**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "public comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

**Minutes**

SPECIAL MEETINGS

[\\*\\*\\*June 10, 2004](#)

[\\*\\*\\*June 15, 2004](#)

REGULAR MEETINGS

[June 8, 2004](#)

EXECUTIVE SESSIONS

\*\*\*April 20, 2004

\*\*\*May 3, 2004

\*\*\*May 17, 2004

**How the Consent Agenda Works:** The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a comment card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

**1. [Rancho Reata Zoning Stipulations and Site Plan Amendments – 105-ZN-1984#2](#)**

**Requests:**

1. Amend zoning stipulations/site plan to case 105-Z-1984 on a 25 +/- acre parcel located at 26725 N. Alma School Parkway (northeast corner of Alma School and Jomax roads) with Planned Commercial Center, Environmental Sensitive Lands, Hillside District (PCC ESL HD) zoning.
2. Adopt Ordinance No. 3579 affirming the above stipulation/site plan amendments.

**Location:** 26725 N. Alma School Parkway

**Reference:** 105-Z-1984

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

**2. [Goldie Brown Pinnacle Peak Ranch Abandonments](#)**

**Requests:**

1. Abandon 55 feet along 112th St. on the west side of the site, abandon 30 feet along Morning Vista Road on the north side of the site, and abandon 40 feet along Via Dona Road on the south side of the site. Each of the areas is presently dedicated as a public utility and roadway easement.
2. Dedicate 30 feet (half street) right-of-way along 114th Street, plus an 8-foot wide Public Utility Easement (PUE); dedicate a 25-foot wide emergency vehicle access and public utility easement along the easterly portion of Morning Vista Road on the north side of the site; and dedicate an 8-foot wide PUE along the Via Dona Road alignment on the south side of the site.
3. Adopt Resolution No. 6501 vacating and abandoning a portion of right-of-way and roadway easement.

**Location:** 11303 E. Morning Vista Road

**Reference:** 3-AB-2004

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Al Ward, Senior Planner, 480-312-7067, [award@scottsdaleaz.gov](mailto:award@scottsdaleaz.gov)

# CONSENT AGENDA

Tuesday, June 22, 2004

Page 3 of 8

## 3. 86th Street & Smokehouse Trail Abandonments

### **Requests:**

1. Abandon street right-of-way along the following streets:
  - 873.73 feet of Smokehouse Trail along the southern property boundary.
  - 660.78 feet of 86<sup>th</sup> Street along the eastern property boundary.
  - 76.30 feet of 85<sup>th</sup> Street to include a 45-foot radius cul de sac along the western property frontage.
2. Dedicate a 40-foot street right-of-way (East Eagle Feather Road) from 86<sup>th</sup> Street west to 85<sup>th</sup> Street.
3. Dedicate one quarter of a cul de sac on the southeast corner of 85<sup>th</sup> Street and the Smokehouse alignment.
4. Dedicate a temporary roadway turn-around easement at the northeast corner of 85<sup>th</sup> Street and East Eagle Feather Road.
5. Reserve a twenty (20) foot water and sewer line easement along the Smokehouse Trail, 86<sup>th</sup> Street, and a portion of the 85<sup>th</sup> Street Alignments.
6. Adopt Resolution No. 6502 vacating and abandoning a portion of right-of-way and roadway easement.

**Location:** 86<sup>th</sup> Street and Smokehouse Trail

**Reference:** 5-AB-2004

**Staff Contacts:** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Greg Williams, Senior Planner, 480-312-4205, [gwilliams@scottsdaleaz.gov](mailto:gwilliams@scottsdaleaz.gov)

## 4. Legacy Bank Conditional Use Permit

**Request:** A conditional use permit for a bank on approximately two-acre parcel located at 15100 N. 78th Way with Industrial Park (I-1) zoning.

**Location:** 15100 N. 78th Way

**Reference:** 6-UP-2004

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Suzanne Colver, Senior Planner, 480-312-7087, [scolver@scottsdaleaz.gov](mailto:scolver@scottsdaleaz.gov)

## 5. BMW Motorcycles Of Scottsdale Conditional Use Permit

**Request:** A conditional use permit for automobile (motorcycle) sales and repair on approximately three-acre parcel located at 14870 N. Northsight Boulevard, Suites 100, 101 & 102, with Highway Commercial District (C-3) zoning.

**Location:** 14870 N. Northsight Boulevard, Suites 100, 101 & 102

**Reference:** 9-UP-2004

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov); Suzanne Colver, Senior Planner, 480-312-7087, [scolver@scottsdaleaz.gov](mailto:scolver@scottsdaleaz.gov)

6. **Adoption of the FY 2004/05 Property Tax Levy and Rate and Streetlight District Property Tax Levy**

**Requests:**

In accordance with Arizona Revised Statutes and the City Charter to provide funding for portions of the FY 2004/05 budget:

- Adopt Ordinance No. 3575 setting the FY 2004/05 property tax levy and rate.
- Adopt Ordinance No. 3578 setting the streetlight property tax levy by district.

**Staff Contact(s):** Craig Clifford, General Manager, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov); Art Rullo, Budget Director, 480-312-2435, [arullo@scottsdaleaz.gov](mailto:arullo@scottsdaleaz.gov); Lisa Murphy, Accounting Director, 480-312-7009, [lmurphy@scottsdaleaz.gov](mailto:lmurphy@scottsdaleaz.gov)

7. **Purchase of Property-Casualty Insurance for the Period 7/1/04 – 05**

**Requests:**

Excess Liab.: Authorize the purchase of General Liability, Vehicle Liability and Public Officials Errors and Omission insurance protection of \$50,000,000 Limits of Liability per occurrence and annual aggregate coverage from various insurers for claims in excess of the City's self-insured retention amount of \$2,000,000 per occurrence for a cost of \$728,696.

Property: Authorize the purchase of Property insurance on approximately \$581 million of buildings, contents and equipment replacement values in excess of the deductible portions from the Allianz Insurance Group, at a cost of \$548,033.

Work Comp.: Authorize the purchase of Workers' Compensation insurance from Midwest Employers Casualty Company in excess of the City's self-insured retention amount of \$600,000 for a cost of \$127,622.

Airport Liab.: Authorize the purchase of Scottsdale Airport Liability and Hangarkeepers' Legal Liability insurance of \$100,000,000 per occurrence and annual aggregate limits of Airport Liability coverage and \$100,000,000 for Hangarkeepers' Legal Liability coverage from insurers ACE/Lloyds at a cost of \$58,341.

**Staff Contact(s):** Craig Clifford, General Manager, Financial Services, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov); Myron J. Kuklok, Risk Management Director, 480-312-7841, [mkuklok@scottsdaleaz.gov](mailto:mkuklok@scottsdaleaz.gov)

8. **Reimbursement Resolution for Land Acquisitions for the McDowell Sonoran Preserve**

**Request:** Adopt Reimbursement Resolution No. 6504 declaring the city's intent to advance funds not to exceed \$50 million for land acquisitions for the McDowell Sonoran Preserve. The intent of this action is to allow the City to proceed with preserve purchases with existing cashflow and be "reimbursed" by a bond issue at a later date.

**Related Policies, References:** Resolution No. 6488, dated May 17, 2004, Adopted Financial (Debt) Policies.

**Staff Contact(s):** Craig Clifford, Financial Services General Manager/CFO (480) 312-2364  
[cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov)

9. **Intergovernmental Agreement with Scottsdale Public Schools for Drug, Alcohol, and Violence Prevention Services**

**Request:** Adopt Resolution No. 6487 which authorizes Intergovernmental Agreement #2004-040-COS to provide funding in the amount of \$253,978 for drug and alcohol prevention services, anti-violence education, and other student support services in all 33 Scottsdale schools, for Fiscal Year 2004/05.

**Related Policies, References:** City Council adopted Resolution No. 6266 on June 16, 2003, which authorized Intergovernmental Agreement #2003-030-COS in the amount of \$253,978 to fund alcohol and substance abuse prevention services to 32 Scottsdale Schools, for Fiscal Year 2003/2004. The City has previously entered into Intergovernmental Agreements to provide these services for Fiscal Years 1999-00 through 2002/03.

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2377, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov); Vicki French, Human Services Manager, 480-312-7922, [vfrench@scottsdaleaz.gov](mailto:vfrench@scottsdaleaz.gov)

10. **One Civic Center Rest Room Renovations**

**Request:** Authorize award of a contract for the renovation of eight restrooms in the One Civic Center facility requiring substantial ADA improvements to Compass West Construction for \$139,000.

**Related Policies, References:** Americans with Disabilities Act, 1990; ADA Transition Plan (draft).

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2377, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov); Don Penfield, Facilities Management Director, 480-312-7921, [dpenfield@scottsdaleaz.gov](mailto:dpenfield@scottsdaleaz.gov); Tom Howcroft, Contracts Coordinator, 480-312-2166, [thowcroft@scottsdaleaz.gov](mailto:thowcroft@scottsdaleaz.gov)

11. **Annual Financial Participation Agreement between the City of Scottsdale and the Scottsdale Cultural Council for FY 2004/05**

**Request:** Adopt Resolution No. 6505 authorizing Agreement No. 2004-099-COS, an annual financial participation agreement between the City of Scottsdale and the Scottsdale Cultural Council for FY 2004/05, in the amount of \$2,864,014. This action will authorize general fund budget support for the Scottsdale Cultural Council ("Cultural Council") for FY 2004-05 and allow the Cultural Council to continue to administer the City's arts and cultural programs according to the terms of the Management Services Agreement.

**Staff Contact(s):** John Little, Executive Director, Downtown Group, 480-312-2539, [jlittle@scottsdaleaz.gov](mailto:jlittle@scottsdaleaz.gov); Michelle Korf, Deputy Director, Downtown Group, 480-312-2539, [mkorf@scottsdaleaz.gov](mailto:mkorf@scottsdaleaz.gov)

12. **Contract Modification for Design of Sewer Collection System Rehabilitation Project**

**Request:** Authorize contract modification to Engineering Services Contract No. 2002-034A-COS with Brown and Caldwell, in the amount of \$227,844 for the design of Phase 3 of the Sewer Collection System Rehabilitation project.

**Related Policies, References:** Engineering Services Contract No. 2002-034-COS, approved by City Council on May 13, 2002. Contract Modification No. A2002-034-COS, approved by City Council on July 2, 2003.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Annette Grove, Sr. Project Manager, 480-312-2399, [agrove@scottsdaleaz.gov](mailto:agrove@scottsdaleaz.gov)

13. **Construction Bid Award for Chaparral Water Treatment Plant Influent and Distribution Waterlines**

**Request:** Authorize Construction Bid Award No. 04PB064 to Achen-Gardner Engineering, L.L.C., the lowest responsive bidder, at their unit price bid of \$14,174,368.90.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov); Doreen Song, P.E. Project Manager, 480-312-2367, [dsong@scottsdaleaz.gov](mailto:dsong@scottsdaleaz.gov)

14. **Lease Amendment for Scottsdale Air Center Real Estate, L.L.C. (SDL Air Center)**

**Request:** Authorize Lease Amendment No. 2001-133A-COS for SDL Air Center to extend the completion deadline as outlined in recital G of the original Lease Agreement from October 1, 2004 to December 31, 2005 and incorporate a new site plan for the “west parcel.”

**Staff Contact(s):** Mary O’Connor, General Manager, Transportation, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov); Scott T. Gray, Aviation Director, 480-312-7735, [sgray@scottsdaleaz.gov](mailto:sgray@scottsdaleaz.gov)

15. **Acceptance of a donation of real property in connection with the settlement of City of Scottsdale v. Ancala Global Company, L.C., et al.**

**Request:** Adopt Resolution No. 6510 authorizing the Mayor to accept a donation of real estate in connection with the settlement of *City of Scottsdale v. Ancala Global Company, L.C., et al.*, Superior Court Case No. CV 99-16269, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

**Related Policies, References:** Resolution No. 6456

**Staff Contact(s):** Joseph R. Bertoldo, City Attorney, 480-312-2405, [jbortoldo@scottsdaleaz.gov](mailto:jbortoldo@scottsdaleaz.gov); Bruce Washburn, Assistant City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov); Robert Cafarella, Preservation Director, 480-312-7013, [rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)

16. **Approve annual contract with GPEC for economic development marketing**

**Requests:** Adopt Resolution No. 6511 authorizing General Funds in the amount of \$83,439 for provision of regional economic development marketing services, and approve Contract No. 2004-104-COS with the Greater Phoenix Economic Council.

**Related Policies, References:** Economic Vitality Strategic Plan

**Staff Contact(s):** David Roderique, Economic Vitality General Manager, 480-312-7601, [droderique@scottsdaleaz.gov](mailto:droderique@scottsdaleaz.gov)

17. **Contract Award for the purchase and installation of a Laboratory Information Management System for the Scottsdale Police Department Crime Laboratory**

**Requests:** Authorize and approve Contract Number 2004-036-COS and Bid Award No. 03RP032 to install a Laboratory Information Management System to JusticeTrax, the lowest responsive bidder, at the contract negotiated price of \$145,655.

**Related Policies, References:** Resolution No. 6352 and Resolution No. 6142

**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-5310, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov); Steve Garrett, Project Manager, 480-312-5280, [sgarrett@scottsdaleaz.gov](mailto:sgarrett@scottsdaleaz.gov)

## **\*\*\*17A. Mickey's Liquor License**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a location currently operating with a series 6 (bar) liquor license. Upon receiving the series 12 license, this establishment will transfer the series 6 license to another location. (Six is also owned by the applicant and is on tonight's agenda – Item 17B, 43-LL-2004.)

**Location:** 4312 N. Brown Avenue

**Reference:** 42-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, [rbushfield@scottsdaleaz.gov](mailto:rbushfield@scottsdaleaz.gov)

## **\*\*\*17B. Six Liquor License**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a location transfer of a series 6 (bar) State liquor license for a location currently operating with a series 12 (restaurant) liquor license. The series 12 license will be revoked by the DLLC on July 16, 2004.

**Location:** 7316 E. Stetson Drive, #2

**Reference:** 43-LL-2004

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov); Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, [rbushfield@scottsdaleaz.gov](mailto:rbushfield@scottsdaleaz.gov)

**Regular Agenda begins on the following page**



**How the Regular Agenda Works:** The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a comment card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

**18. [Annual review and update of Downtown Enhanced Municipal Services District No. 2. \(EMSD\)](#)**

**Request:** Adopt Resolution No. 6506 to accomplish the following:

1. Reject any objections received to the legality of the assessments for Fiscal Year 2004-2005 for the Downtown Enhanced Municipal Services District No. 2 as insufficient and without merit.
2. Establish \$519,900 as the amount of funds to be raised for District projects through assessments for Fiscal Year 2004-2005.
3. Establish a Fiscal Year 2004-2005 budget for the District in the amount of \$519,900 (Attachment B).

**Related Policies, References:**

- On May 28, 2002, the Mayor and City Council adopted Resolution No. 6083 ordering the provision of enhanced municipal services within the Downtown Enhanced Municipal Services District No. 2 and providing for the annual costs and expenses to be assessed against the real property within the District for each of the next five years.
- On July 2, 2002, the Mayor and City Council adopted Resolution No. 6112A adopting a budget for the Downtown Enhanced Municipal Services District for 2002-2003, awarding contracts to Cramer-Krasselt for marketing and promotion services at a cost of \$500,000. Additionally, the City Council allocated \$97,000 to the Downtown Scottsdale Partnership for district administration.
- The annual process to update the Downtown Enhanced Municipal Services District includes City Council authorization of assessment funds for district projects and a related expenditure budget. The final, council-approved assessment amount is subject to minor adjustments based on public hearing objections that may be received up to the start of the public hearing June 22, 2004. In any event, district expenses will not be greater than the district budget approved by City Council.

**Staff Contact(s):** John Little, Downtown Executive Director, 480-312-2539, [jlittle@scottsdaleaz.gov](mailto:jlittle@scottsdaleaz.gov); Sahler Hornbeck, Downtown Liaison, 480-312-2394, [shornbeck@scottsdaleaz.gov](mailto:shornbeck@scottsdaleaz.gov)

**Public Comment**

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**City Manager's Report**

**Mayor and Council Items**

**Adjournment**

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.